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RUEKJCS/JOINT STAFF WASHDC
RUEHGV/USMISSION GENEVA 1546
RUEHVEN/USMISSION USOSCE 3598
RUCNDT/USMISSION USUN NEW YORK 2991
RUEHNO/USMISSION USNATO BRUSSELS BE
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C O N F I D E N T I A L SECTION 01 OF 03 BISHKEK 001080

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SUBJECT: THE PROBLEM OF STATELESSNESS IN THE KYRGYZ REPUBLIC

REF: BISHKEK 940

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Classified By: Classified by Charge d'Affaires Larry L. Memmott, for Reasons 1.4 (b) and (d).

11. (SBU) Summary: On September 22, UNHCR and the Kyrgyz government co-hosted a high-level steering meeting to highlight the problem of statelessness in Kyrgyzstan and adopted a concluding statement with concrete objectives. UNHCR also released a report detailing the results of a survey conducted in the southern oblasts of Osh, Jalalabad, and Batken that identified over 11,000 stateless persons. To address this issue, the government tasked a Constitutional Court judge to research legal aspects of the problem and created a working group to devise viable solutions. End Summary.

UNHCR HOLDS STEERING COMMITTEE ON STATELESSNESS

12. (SBU) On September 22, the UNHCR (United Nations High Commissioner for Refugees), together with the Administration of the President of the Kyrgyz Republic, hosted a high-level steering meeting on "the reduction and prevention of statelessness in the Kyrgyz Republic." Meeting participants included representatives of Parliament, the Presidential Administration's Citizenship Commission, the Constitutional Court, the Ministry of Interior's Passport and Visa Service, and civil society. During the event, UNHCR released a report entitled, "A Place to Call Home." The report detailed the findings of field studies conducted in the three southern oblasts of Osh, Jalalabad, and Batken on the situation of stateless persons. Local NGOs, commissioned by UNHCR, conducted surveys in 18 southern districts and identified over 11,000 individuals who possessed expired USSR passports or had no legal document for identification purposes.

13. (SBU) The UNHCR report grouped the stateless persons into five categories: persons who were citizens of another country but became stateless after losing their citizenship as a result of long-term residency in the Kyrgyz Republic; persons

who arrived after the original citizenship law in 1993 (which converted all current residents with USSR passports to Kyrgyz citizens) and never applied for citizenship in the Kyrgyz Republic or any other country; persons who have resided in the Kyrgyz Republic since 1994 but failed to exchange their USSR passports; children born to one or both parents who are stateless; and the children of labor migrants who have renounced their Kyrgyz citizenship.

14. (SBU) The participants agreed upon a concluding statement that confirmed the need to reduce current and prevent future cases of statelessness. The statement identified concrete objectives, to include bringing "relevant by-laws and instructions into compliance with the 2007 Law on Citizenship of the Kyrgyz Republic" and introducing simplified procedures to naturalize spouses of Kyrgyz citizens who originate from the Commonwealth of Independent States countries. The statement recommended the Kyrgyz Republic's accession to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

CONSTITUTIONAL COURT JUDGE BLAMES IMPLEMENTING MINISTRIES

15. (C) During a meeting with Poloff on September 25, Constitutional Court Judge Chinara Musabekova claimed that the 2007 citizenship law addressed most of the shortcomings of previous legislation but said that working-level implementers of the new law lacked the formal guidance to implement the legislative updates. Musabekova, who was recently tasked to be the "expert" and primary researcher in the Constitutional Court on statelessness, said that the regulations governing citizenship procedures currently

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implemented by the Ministry of Foreign Affairs and Ministry of Interior have yet to be amended to reflect the new legislation. She said that no government agency or ministry can legally issue documents attesting to an individual's status of statelessness and that the government lacked procedures to treat stateless persons. Musabekova added that the 2007 law, which "reflects most aspects of the international conventions on statelessness," means little to those seeking citizenship if the government officials authorized to certify an individual's status are unfamiliar with the law.

16. (C) Musabekova expressed concern for two of the most vulnerable categories of stateless persons: the children of migrant workers and Uzbek brides. Musabekova explained that labor migrants leaving for Russia would usually leave their children with relatives or friends. However, many Kyrgyz labor migrants have since renounced their Kyrgyz citizenship to become Russian citizens. With non-Kyrgyz citizen parents, the children face difficulties acquiring Kyrgyz passports once they reach the age of sixteen and are eligible to apply. Musabekova insisted that the 2007 law resolved this problem but said that the ministries have not incorporated the changes into their regulations.

17. (C) Musabekova also addressed the issue of Uzbek women married to Kyrgyz men who failed to renew their Uzbek citizenship and faced insurmountable obstacles to becoming Kyrgyz citizens. Poloff first learned about this group from a UNHCR representative, who claimed that these women were deprived of essential social benefits from the state (reftel). Musabekova said that legal status for these women was essential for access to more job opportunities and state health care. She said that if the Uzbek women appealed to the local courts with the proper marriage certificate and proof of residency, their citizenship applications could be expedited. Musabekova said she will continue researching legal guidelines and procedures in an effort to reduce statelessness in the Kyrgyz Republic.

WORKING GROUP ON STATELESSNESS CREATED

18. (C) On September 28, Rahatbek Mamaev, Executive Secretary of the Citizenship Commission of the Presidential Administration and Abylmajin Akmashaev, Senior Inspector of the Interior Ministry's Passport and Visa Service office told Poloff that the government had created a working group to tackle the many facets of statelessness. Mamaev said that the working group had already discussed issuing special booklets, together with internal identification cards, verifying an individual's stateless status until citizenship is awarded. He concluded that some good ideas emerged from the working group but that new legislation and amendments to current regulations had to be introduced before these ideas could be implemented.

19. (C) Asked about the case of Uzbek brides, Akmashaev asserted that the problem was bigger than mere statelessness. He said that the government maintained a "difficult, sometimes shaky" relationship with Uzbekistan and that the two countries would need to resolve their border issues before Kyrgyzstan would be able to tackle citizenship issues of former citizens of Uzbekistan. After the border issues were resolved, he stated, a simplified citizenship procedure could be established that would not cause difficulties with the Uzbek government.

COMMENT

19. (C) While it appears that Kyrgyzstan is taking some steps to deal with the general problem of statelessness, the issue of Uzbek brides clearly is more sensitive. It appears that

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the Kyrgyz government believes that a policy allowing Uzbek citizens to change their nationality to Kyrgyz might not be welcomed by their large and often unfriendly neighbor. Like many other issues affecting the complex and oft contentious Kyrgyz-Uzbek relationship, Kyrgyzstan may prefer to defer action on the issue of Uzbek brides for a later, and hopefully more propitious, time.

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